

Amendment No. 1 to HB0718

Watson
Signature of Sponsor

AMEND Senate Bill No. 1269

House Bill No. 718*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-118, is amended by deleting the fourth and fifth sentences of subsection (a).

SECTION 2. Tennessee Code Annotated, Section 40-11-118, is amended by adding the following new subsection:

(d)

(1) When the court is determining the amount and conditions of bail to be imposed upon a defendant, the court shall consider the use of special conditions for the defendant, including, but not limited to, the conditions set out in subdivision (d)(2), if the defendant is charged with a violation of § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401, and the defendant has one (1) or more prior convictions for a violation of § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401.

(2) The special conditions the court shall consider pursuant to subdivision (d)(1) are:

(A) The use of ignition interlock devices;

(B) The use of transdermal monitoring devices or other alternative alcohol monitoring devices;

(C) The use of electronic monitoring with random alcohol or drug testing; or

(D) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

(3) As used in this subsection, "court" includes any person authorized by § 40-11-106 to take bail.

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) When the court is determining the amount and conditions of bail to be imposed upon a defendant who is charged with a violation of § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401, the court shall consider the use of special conditions for such defendant, including, but not limited to, the conditions set out in subdivision (d)(2), if the offense for which bail is being set was committed while the defendant was released on bail for a prior charge of violating § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401.

(2) The special conditions the court shall consider pursuant to subdivision (d)(1) are:

(A) The use of an Ignition interlock device;

(B) The use of a transdermal monitoring device or other alternative alcohol monitoring devices;

(C) The use of electronic monitoring with random alcohol or drug testing; or

(D) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

(3) As used in this subsection, "court" includes any person authorized by § 40-11-106 to take bail.

SECTION 4. This act shall take effect on July 1, 2011, the public welfare requiring it.